



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

M E M O R A N D U M

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DATE: May 3, 2010

TO: Don Persson, President  
Members of the Renton City Council

FROM: Alex Pietsch, CED Administrator

VIA: Denis Law, Mayor

STAFF CONTACT: Erika Conkling, AICP, Senior Planner (x-6578)

**SUBJECT: Shoreline Master Program Update**

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ISSUE:

Should the City adopt the Planning Commission's recommended Shoreline Master Program?

RECOMMENDATION:

Staff recommends referral of this issue to the Planning and Development Committee for review. Staff further recommends that the City Council adopt the Shoreline Master Program forwarded from the Planning Commission.

BACKGROUND SUMMARY:

The Shoreline Master Program (SMP) is a city-wide plan that establishes the policies and regulations for use and development of major water ways in the City of Renton.

General Description

The Shoreline Management Act (SMA)<sup>1</sup> requires all jurisdictions to adopt an SMP consistent with state guidelines<sup>2</sup>. Renton adopted its first SMP in 1977, and has made

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<sup>1</sup> The SMA is at RCW 90.58

<sup>2</sup> The SMP guidelines are at WAC 173-26

periodic, minor updates since that time. Under the mandate of the state legislature, Renton is required to adopt a major update of its SMP based upon new guidelines adopted in 2004. Using a \$200,000 grant from the Washington State Department of Ecology, staff has been working on the SMP update since the end of 2007. Areas affected by the SMP update include property in Renton near: Lake Washington, May Creek, Springbrook Creek, the Cedar River, the Black River, the Green River, and Lake Desire in Renton's potential annexation area.

Adoption of the SMP is a process unlike the adoption of other regulations by the City. In the SMA, the process is envisioned as a "cooperative program of shoreline management between local government and the state." What this entails is the City develops an SMP based on the shoreline guidelines and with technical assistance from the Department of Ecology (Ecology). After Council adoption, Renton's SMP then undergoes formal review by Ecology. Ecology may accept the SMP or return the SMP for changes.

In 2005, the City attempted to complete a partial SMP update in conjunction with the update of Renton's Critical Areas Ordinance. Ecology rejected this partial update, partially because it was not consistent with the newly adopted SMP guidelines. The work from the partial update was incorporated into this SMP update process where applicable, and as appropriate under the SMP guidelines.

When the SMA was written, it was intended to balance a number of competing goals to ensure the productivity and sustainability of shorelines in Washington State. Some of the important goals from the SMA include allowing: economic use of the shorelines, public access and recreation, restoration of ecological functions and processes, and preferred accommodation of single-family residences. Under the shoreline guidelines, Renton's SMP update must achieve the following:

- Identify and inventory current and potential ecological processes and functions;
- Develop policies and regulations intended to result in no net loss of ecological processes and functions;
- Include regulations and mitigation requirements that ensure permitted development will achieve no net loss of ecological processes and functions;
- Include goals and policies for restoration of impaired ecological functions and processes;
- Evaluate the cumulative impacts of reasonably foreseeable development, including development exempt from the regulations.

Renton's SMP accomplishes these requirements in a series of documents: *Revised Draft Shoreline Inventory and Analysis*, *Shoreline Element* of the Comprehensive Plan,

regulations and permitting processes in Title IV of the *Renton Municipal Code (RMC)*, *Restoration Plan*, *Renton Shoreline Environment Overlays Map*, and the *Final Cumulative Impacts Analysis*.

### Public Participation

Public participation is a key component of any major planning process, including the SMP update. In March 2008 the City developed a public participation plan that outlined the steps that would be taken to ensure that there was adequate opportunity for public participation in the development of the SMP. Below is a summary of public participation opportunities and notifications since that time.

Date	Public Participation Event
March 24, 2008	Presentation to Council Committee of the Whole
April 2008	Outreach mailer and survey sent to all shoreline property owners Posters put in all City parks with shorelines State and federal agencies, tribes, and surrounding jurisdictions notified Interest groups notified Posters put in Renton libraries and at City hall for the general public News item in the <i>Renton NOW</i> utility bill insert Project website established: <a href="http://www.shoreline.rentonwa.gov">www.shoreline.rentonwa.gov</a>
April 30, 2008	Public Open House and project kick-off
June 2008- September 2008	Materials distributed at community events including the Benson Hill Community Picnic and Renton River Days Presentations given to interested community groups, including the Renton Kiwanis and the Seattle- King County Master Builders Staff holds over four hours of meetings with stakeholders on key issues
November 2008- February 2009	Five Planning Commission meetings with all planning documents and presentations available on the project website Two update mailers sent to the interested parties list Posters put in all City parks with shorelines twice Posters put in Renton libraries and at City hall for the general public twice Staff holds over four hours of meetings with stakeholders on key issues
January 21, 2009	Comment deadline for <i>Shoreline Inventory and Characterization</i> and supporting technical memos
June 2009- December 2009	Nine Planning Commission meetings (not including public hearing) with all planning documents and presentations available on the project website

Date	Public Participation Event
	<p>Six update mailers sent to the interested parties list</p> <p>Posters put in all City parks with shorelines twice</p> <p>Posters put in Renton libraries and at City hall for the general public twice</p> <p>Staff holds over 20 hours of meetings with stakeholders on key issues</p>
September 11, 2009	Comment deadline for first SMP draft
October 9, 2009	<p>Notices of Public Hearing and SEPA Notice of Application:</p> <ul style="list-style-type: none"> <li>• mailed to all shoreline property owners</li> <li>• mailed to property owners within 300' of the shoreline</li> <li>• sent to all interested parties</li> <li>• sent to all state and federal agencies, tribes, and surrounding jurisdictions</li> <li>• posted in all City parks with shorelines</li> <li>• posted in City libraries and at City hall</li> <li>• published in the Renton Reporter</li> <li>• posted on the project website</li> </ul>
October 21, 2009	Planning Commission Public Hearing (2 <sup>nd</sup> draft)
November 5, 2009	Comment deadline for Public Hearing SMP draft (2 <sup>nd</sup> draft)
December 30, 2009	Comment deadline for Planning Commission deliberation SMP draft (3 <sup>rd</sup> draft)
January 2010- February 2010	Staff holds over 20 hours of individual meetings with key stakeholders to work through language clarifications in the SMP draft
February 19, 2010	<p>Notice of Public Hearing:</p> <ul style="list-style-type: none"> <li>• mailed to all shoreline property owners</li> <li>• mailed to property owners within 300' of the shoreline</li> <li>• sent to all interested parties</li> <li>• posted in all City parks with shorelines</li> <li>• posted in City libraries and at City hall</li> <li>• published in the Renton Reporter</li> <li>• posted on the project website</li> </ul>
March 3, 2010	2 <sup>nd</sup> Planning Commission Public Hearing (4 <sup>th</sup> draft)
March 10, 2010	Comment deadline for SMP recommendation draft (4 <sup>th</sup> draft)
February 2010- April 2010	<p>Three Planning Commission meetings (not including public hearing) with all planning documents and presentations available on the project website</p> <p>One update mailer sent to the interested parties list</p>
April 7, 2010	Planning Commission recommends SMP and supporting documents (5 <sup>th</sup> draft) to the Council for review and approval.
April 12, 2010	Presentation to Council Committee of the Whole

### Proposed Policies and Regulations

Shoreline regulation begins with the designation of shoreline environments based on information gathered in the *Shoreline Inventory and Analysis*. Shoreline environments are a type of zoning overlay that specify a separate set of allowed uses and development standards within a particular area. A recommended classification system is detailed in WAC 173-26-211, but alternatives are allowed if consistent with purpose and policies of the SMA. Renton's proposed environment designations are based on the recommended classification system in the WAC, with some alterations based on unique conditions identified in the *Shoreline Inventory and Analysis*. Proposed environments include the following:

- *Natural*- this environment is applied to the most pristine shoreline areas, with minimally degraded shoreline functions, and includes the strictest limitations on development and use.
- *Urban Conservancy*- this environment is applied to shorelines characterized by open space or sensitive areas. Use and development is limited, with a focus on restoration of natural functions and public access.
- *Single-Family Residential*- existing areas of single-family residences have been designated as part of this environment, which is partly based on the "Residential" environment in the WAC. Use and development is limited to continuation of single-family uses. Existing and future multi-family uses are included in the *High Intensity* environment in Renton's classification system because most multi-family uses are, or will be, associated with multiple-use developments.
- *High Intensity*- the designation of this environment recognizes the need for intensive use of the shoreline for commercial, industrial, transportation, residential, and public access uses. Uses include those allowed in the underlying zoning. Development within 100 ft. of the shoreline is more limited than development farther away. All uses and developments are subject to the preference for water-oriented uses<sup>3</sup> and subject to the requirements of no net loss of ecological functions.

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<sup>3</sup> Water-oriented use is an umbrella term that includes the following: water-dependent, water-related, and water-enjoyment. Water-dependent uses are those which require a location on or adjacent to the water, such as a ferry terminal or sea-plane base. Water-related uses are those uses that are not water-dependent, but the economic viability of the use requires a location near water, such as boat repair facilities or fish processing. Water-enjoyment uses are those that provide recreation and public access, including visual and/or physical access to the water and can include a wide variety of uses. Non-water-oriented uses are those that do not meet any of the definitions above.

- *High Intensity-Isolated-* this designation is unique to the City of Renton. Renton has a handful of areas that are separated from the shoreline by a road or train right-of-way. These areas have no functional relationship to the shoreline, but meet the state criteria for being within shoreline jurisdiction. Other communities have attempted to develop SMPs that leave such areas out of shoreline jurisdiction, but have not had such attempts approved by Ecology. By designating such areas in the High Intensity-Isolated environment, Renton recognizes that the areas are within shoreline jurisdiction, but the use and development of the property is controlled by the underlying zoning.
- *Aquatic-* this environment was a new addition to the WAC guidelines in 2004 and basically includes the water bodies within shoreline jurisdiction. Use and development of these areas is limited to water-dependent uses, which are also subject to the requirement of no net loss of ecological functions.

Policies for shoreline environment designation and management are in the *Shoreline Element*, regulations for shoreline environment uses and development regulations are in *RMC Title IV*, and the designations are displayed on the *Renton Shoreline Environment Overlays Map*.

Uses are detailed by environment designation in RMC 4-3-090E.1 *Shoreline Use Table*. Based on WAC requirements, uses within shoreline jurisdiction are tightly controlled. Water-related uses are the only uses allowed in shoreline jurisdiction. Single-family uses are considered a “priority” use when developed consistent with the provisions to ensure no net loss. To the extent that other non-water oriented uses are allowed, such uses must provide ecological restoration and/or public access along the entire shoreline frontage in order to locate in shoreline jurisdiction. Requirements for public access and ecological restoration are based on information from the *Shoreline Inventory and Analysis* and are specified by shoreline reach.<sup>4</sup> These requirements are in two tables located at RMC 4-3-090D.4.f *Public Access Requirements by Reach* and RMC 4-3-090F.1.i *Vegetation Conservation Buffer Standards by Reach*. Uses are also managed through a series of performance standards written to ensure no net loss and compliance with SMP guidelines for specific uses and use types. Some of the uses with specific performance standards include: new residential development, marinas, industrial uses, commercial and community service uses, transportation facilities, utilities, and piers and docks.

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<sup>4</sup> Reaches are stretches of shorelines that share similar ecological functions and processes and similar land uses.

Regulations for piers and docks, especially the maintenance of existing structures, have been an issue of concern for single-family property owners and for City staff. The new dimensional standards for docks and piers limit the size of such structures in order to reduce over water coverage, which contributes to a net loss of ecological functions. Most existing facilities would not meet the proposed standard. However, maintenance of existing structures is allowed, even if the dock or pier does not conform to the new regulations. Up to 30% of a dock or pier may be replaced without triggering a requirement to use light penetrating materials. This was an important provision to the Parks Division in the management of Gene Coulon Park. If light penetrating materials are used, the entire surface of a pier or dock may be replaced without the costly expense of moving pilings. Single-family property owners specifically requested such a provision, which saves them expense and reduces the impacts of over water coverage on ecological processes and functions. Existing docks only need to meet the new standards for dock size and configuration if more than 50% of the pilings, or supporting structures for floating docks, are replaced.

Development standards are detailed by environment designation in RMC 4-3-090D.7.a *Shoreline Bulk Standards Table*. This includes standards for building coverage and limits on impervious surfaces, as well as standards for heights and setbacks. The standard setback and buffer requirement is 100 ft. from OHWM<sup>5</sup> in all shoreline environments, consistent with the standard adopted by the Council in the 2005 partial update and consistent with the standards proposed by other local jurisdictions. However, there are some alternative, reduced, buffer standards allowed for water-dependent uses and for existing single-family development. Most of the existing single-family development on Renton shorelines could not conform to a 100 ft. setback and buffer requirement. As a result, setback and buffer requirements for existing single-family properties are based on lot depth, as specified in RMC 4-3-090F.1.c and as shown below.

<b>Lot Depth</b>	<b>Building Setback</b>	<b>Vegetated Buffer</b>
Greater than 180 feet	60 feet	25 feet
130 feet to 180 feet	45 feet	20 feet
100 feet to 130 feet	35 feet	15 feet
Less than 100 feet	25 feet	10 feet

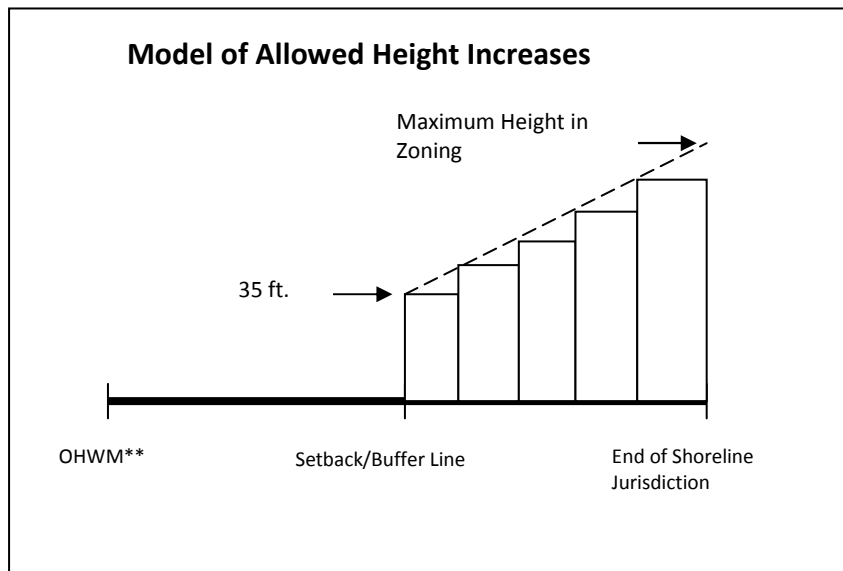
Without an alternative standard, the SMP would not be able to show any improvement over existing conditions without creating an unfair burden for single-family property owners. Another option for varying shoreline setback and buffer requirements is a

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<sup>5</sup> Ordinary High Water Mark

provision that allows for buffer averaging. This can reduce a setback/buffer to as small as 50 ft. in some places, but with increased buffers in other areas. Although this does not reduce the area of the setback/buffer, it does provide additional flexibility for property development. In addition, the SMP allows other setback requirements to be varied administratively, which provides flexibility and additional development area when needed. For properties that cannot meet any of these standards, there is always the option of a shoreline variance, which requires additional review, but is a tool that can be used to accommodate development on difficult sites.

Height is proposed to be limited within shoreline jurisdiction because SMP guidelines recommend a standard of 35 ft. within shoreline jurisdiction. The SMP adopts this standard with two exceptions. Within the single-family environment, the underlying zoning



allows a maximum height of 30 ft., so this standard was adopted within the shoreline as well. Within the high intensity environment, several of the underlying zones allow considerably more than 35 ft., including the COR zone, which allows up to 10 stories or 125 ft. Provisions have been made in some portions of the high intensity environment to allowed increased height. These provisions would require a maximum height of 35 ft. at the setback/buffer line and would allow height to be increased at a set ratio up to the maximum height allowed in the underlying zone. The diagram above shows an example of how this could be applied. The ratios at which the height may be increased, and the areas that allow height increases, are established by reach, in the notes to the *Shoreline Bulk Standards Table*.

Another set of development standards include those related to shoreline modifications. Shoreline modifications include such topics as landfill and excavation, dredging,



shoreline stabilization<sup>6</sup>, stream alteration, and flood control. They contribute to a net loss of ecological functions and should be limited. According to WAC 173-26-231 shoreline modifications should only be allowed to protect primary structures and existing shoreline uses.

Like many issues, regulation of shoreline stabilization in the proposed SMP draft is very different than Renton's current approach. WAC 173-26-231 specifically lists the environmental harm caused by shoreline armoring, and states that harm armoring is to be severely limited. Similarly Renton's *Shoreline Inventory and Analysis*

**Shoreline Stabilization Preference Hierarchy**

1. No action (allow the shoreline to retreat naturally)
2. Flexible defense works constructed of natural materials
3. Flexible defense works, with rigid works constructed as a protective measure at the buffer line
4. Combination of flexible and rigid works
5. Rigid works constructed of artificial materials such as riprap or concrete

demonstrated that existing shoreline armoring contributes to a continued decline in ecological processes and functions resulting in net loss. Provisions preventing new shoreline stabilization are fairly straightforward to implement, but managing the repair and eventual replacement of as much shoreline armoring as possible is more difficult. Consistent with the WAC, existing stabilization is allowed to protect existing uses and primary structures, and under the proposal it may be repaired. However, when the use of the property changes the need for shoreline stabilization must be reviewed. If shoreline armoring can be removed completely or partially, or if it can be replaced with a less damaging form of shoreline stabilization, it will be required. When shoreline stabilization is needed it will be allowed according to the hierarchy of preference in RMC 4-3-090F.4.iii, and shown above.

Non-conformity presents a number of issues for the SMP update. Renton's shorelines, and particularly Lake Washington, have a lot of existing development that will not comply with any SMP meeting the shoreline guidelines adopted in 2004. Evidence shows that some of these existing conditions continue to produce declines in ecological functions. This makes it difficult for the SMP to meet the standard of no net loss without providing for some framework to transition toward a less impactful type of development.

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<sup>6</sup> Shoreline stabilization includes any structural or nonstructural methods to address erosion impacts to property and dwellings, businesses, or structures caused by natural processes, such as currents, floods, tides, wind, or wave actions. This includes bulkheads.

To ease this burden a partial compliance program is proposed for non-conforming structures. Under Renton's current code non-conforming structures may be expanded only under very limited circumstances and may be repaired up to 50% of their value. If repairs or construction exceed these thresholds, the entire structure must be brought into compliance. For shoreline properties an alternative system is proposed whereby non-conforming structures may be expanded if other non-conformities on the site are brought into compliance or partial compliance. This is a give and take system- the property owner is allowed to expand a structure that would not ordinarily be allowed to expand and in exchange is required to plant native vegetation, upgrade docks, or evaluate the necessity of shoreline stabilization. The requirements for site upgrades are listed in RMC 4-10-095 and depend upon the amount of expansion that is proposed. Single-family and non-single-family structures are treated slightly differently. Interior remodeling and adding height within an existing footprint would not trigger site improvements for a single-family residence.

#### Modification to SMP Based on Comments

Since the publication of the first draft of the SMP in July 2009, staff has worked hard to integrate the comments and concerns of the public and key stakeholders. Hundreds of comments have been received since that time. Each has been reviewed and responded to in a comment response table that has been made available after the conclusion of the comment period of each SMP draft. Below are two lists. One summarizes the main comments received and how those comments were integrated into the SMP. The other summarizes issues that were not integrated into the SMP.

#### *Comments Integrated Into the SMP*

<i>Comment</i>	<i>Staff Response</i>
<i>General</i>	
Soften policy and regulatory language to allow flexibility in applying performance standards. Clarify language to avoid vagueness in applying standards.	Language was softened throughout the document with the goal of achieving no net loss of ecological functions, as stated in the WAC. A prescriptive regulatory approach is difficult to apply in shoreline environments because these areas are often subject to unique conditions. The proposed SMP takes a performance approach which allows some flexibility in applying standards as long as performance goals are met.
Remove language that requires property owner to cooperate with others on a reach basis.	This language was removed completely, or in some cases, moved to policy sections. Regional cooperation is appropriately managed by public

<i>Comment</i>	<i>Staff Response</i>
	agencies.
Multiple state and federal agencies have jurisdiction over shoreline permitting. Allow flexibility so applicants can incorporate the requirements of other permitting agencies into the design of shoreline stabilization structures.	Flexibility added in multiple places in to recognize that other permitting agencies may have unanticipated requirements.
Reword Treaty Rights section.	Wording changed to that which was preferred by the Muckleshoot Indian Tribe.
Property rights must be respected as required by the SMP and by the state and federal Constitutions.	Property rights section integrated into the draft. Per WAC requirements, staff and Planning Commission reviewed issues of concern regarding property rights. The SMP was crafted to allow, at a minimum, some economic use of a property. Mitigation requirements are related to project impacts.
Protected the approved master site plan for Southport.	Southport has an approved master site plan that is vested to the development regulations in place at the time of approval. Adoption of the SMP update should not affect those portions already approved. However, language was added to various sections of the SMP to restate that standards would not be applicable if the property was subject to a master site plan approved before SMP adoption.
Provide notice of all applications to the Muckleshoot Indian Tribe Fisheries Division.	This is already done by the City even though it is not a requirement. Language was added to the permit processing section.
<i>Uses</i>	
Provide supporting language to allow non-water-oriented uses in the High Intensity Shoreline Environment.	Added sections throughout the document to recognize non water oriented uses. However, the WAC requires such uses to provide ecological restoration and/or public access in order to locate in shoreline jurisdiction.
Clarify the regulations for new and existing water-dependent industrial uses.	New industrial uses must be water dependent to locate in the shoreline. Expansion of existing non-conforming water-dependent industrial uses allowed outside of required buffer areas, subject the WAC standard of no net loss.
Allow research and restoration as permitted uses.	Allowed in all environment overlays.
Limit new launch ramps, which provide an intensive use of the	This restriction was added.

<i>Comment</i>	<i>Staff Response</i>
shoreline, to marinas or areas with public access.	
The performance standards for commercial uses should be applied to civic or community uses as well to avoid a gap in applicability.	The section on commercial uses was altered to apply to commercial and community service uses.
Require any moorage serving four or more residential uses to meet the standards for a marina.	The performance standards for marinas include provisions to reduce impacts from the intensity of the use on the water and on upland areas. It is appropriate to require the same standards for any moorage area with intensive use.
Limit transportation uses in the shoreline and require mitigation when they are necessary.	This is a requirement of the WAC and language has been added and clarified to reflect it.
Limit utility uses in the shoreline and require mitigation when they are necessary.	This is a requirement of the WAC and language has been added and clarified to reflect it.
Do not require 24 hour access to required public access areas.	Areas required for public access should be generally available to the public, but it is reasonable to allow them to be closed for safety and security reasons (as the City does with some of its parks). This was modified to allow a reasonable set of operating hours to be determined at the time of permitting.
<i>Buffers and Setbacks</i>	
Include stormwater facilities in the required buffer area.	Traditional stormwater facilities such as ponds and vaults are not appropriate in a buffer. Buffers should provide a transition between the developed area on a site and the natural resource. However, there has been much advancement in stormwater management. Provision was made to allow low impact development stormwater systems in the required buffer if they mimic natural shoreline functions in appearance and function. As noted above, stormwater conveyance pipes and outfalls are already permitted as local utilities.
Allow compensatory flood storage areas within the required buffer.	It is reasonable to allow this within the buffer, as flood storage is a natural function of shoreline areas.
Allow buffer averaging.	Buffer averaging allowed.
Prohibit parking in the required buffer, or adjacent to the water's edge.	Primary uses are not allowed in the buffer unless they are water-dependent, and non-water related accessory uses, such as parking, are likewise

<i>Comment</i>	<i>Staff Response</i>
	prohibited.
Reduce the buffer and setback requirements for single-family property owners, specifically those with large lots.	Although the proposed standard buffer is 100', a sliding scale that reduces the buffer and setback standards based on lot depth is proposed for existing single-family property owners to allow for a measure of fairness and reasonable use of properties and to avoid creating more non-conformity than necessary. The idea is that everyone does a fair share. Adjustments to the sliding scale have been made in several drafts. At one time the scale required a greater proportion of the lot to be set aside for larger lots, and allowed only a 10' "active area" between the buffer and setback. The sliding scale now represents an approximate 30% setback requirement for all properties, with approximately 2/5 of the setback area set aside for a vegetated buffer. Thus all existing single-family property owners would be expected to set aside the same proportion of their property as setback/buffer, upon redevelopment.
<i>Structures and Facilities</i>	
Allow parking within a building in shoreline jurisdiction.	Allowed as long as the parked cars are not visible from the shoreline.
Revise language requiring non-water-oriented uses to be located inland for multiple uses.	Staff change policy and regulatory language to allow non-water oriented uses as long as it respects the WAC preference and priority for water oriented uses to be located in/on the shoreline.
Modify language to allow flexibility in siting utilities in the shoreline when necessary.	Language modified in this section to require utilities to be located outside of shoreline jurisdiction and/or buffers when "reasonably feasible."
Allow the same height as the underlying zoning within shoreline jurisdiction, but outside of the buffer, as long as the views of the water are not blocked for single family residential property owners.	The Department of Ecology has stated that a 35' height limit is expected within shoreline jurisdiction. WAC guidelines limit height within shoreline jurisdiction to allow for views of the water. As a compromise, the City has proposed a system in the High Intensity Environment whereby height can be gradually increased from the 35' limit at the edge of the buffer, up to the maximum allowed in the underlying zoning at the end of shoreline jurisdiction.
Add performance standards to	Performance standards added to address lighting

<i>Comment</i>	<i>Staff Response</i>
prevent the illumination of water at night.	in various sections throughout the proposal.
Modify the provisions for partial compliance for non-conforming sites and structures for single family. If the provisions for upgrading a site are triggered by an increase in the percentage of valuation of a single-family home then even small interior remodels can trigger these requirements.	These provisions were changed for single-family uses to remove the trigger relating to a percent increase in value. If a single-family property owner wants to expand a non-conforming structure they do not trigger site improvements unless there is an expansion of building footprint or the impervious surface coverage.
<i>Shoreline Modifications</i>	
Revise the standard for allowing new shoreline stabilization to include review of the proposed mitigation in determining whether the standard of no net loss is met.	It is reasonable to allow proposed mitigation to be considered in determining no net loss of ecological functions associated with shoreline stabilization.
Allow shoreline stabilization structures to be retained and replaced for existing land uses.	Existing shoreline stabilization structures may be retained and replaced (as long as they were legally constructed in the first place). Replacement of existing shoreline stabilization structures will only be considered under two circumstances: a new use or development of the property is proposed, or if a non-conforming use is proposed to be altered beyond a minor amount. Language was added to clarify that an existing hard armored structure may be kept if it is needed and if other alternatives are infeasible.
Amend marinas regulations to prevent the creation of new marinas if dredging is required to maintain access.	Regulations amended consistent with the WAC, which only allows shoreline modification to protect existing uses or primary structures.
Do not allow landfills and excavation to alter normal water flows.	Clarification added.
Require geotechnical analysis for shoreline stabilization, per WAC requirements.	Although we also received comments to eliminate geotechnical analysis, it was included as a requirement for demonstrating the necessity of shoreline stabilization, per WAC requirements.
Allow limited dredging for existing uses, subject to meeting the standard of no net loss of ecological functions and processes.	Dredging is a difficult issue to reconcile. The deltas of May Creek and the Cedar River have been routinely dredged for many years. This prevents the establishment of normal and healthy ecological functions and processes. Initially, the proposed

<i>Comment</i>	<i>Staff Response</i>
	SMP did not permit dredging of these areas, unless the dredging was necessary for a public purpose (for example, flood control). May Creek was dredged for years to both control flooding, and to maintain the water-dependent use of the Barbee Mill. When the Barbee Mill redeveloped, flood control issues were addressed and the water-dependent use was eliminated. However, the Cugini family has an existing boathouse that cannot be used unless some limited dredging is allowed to ensure access to it. Changes were made to the draft to allow limited dredging to maintain existing uses, provided the standard of no net loss can be met. The Washington State Department of Natural Resources (DNR) commented that they plan to prohibit future dredging of the public aquatic lands that they manage in Lake Washington. If DNR maintains this position, there may be a point in time in which the Cugini family will not have access to their boathouse.
Protect the south Lake Washington harbor area from erosion by making allowances for shoreline stabilization.	Existing development in and outside of shoreline jurisdiction at the south end of Lake Washington drains stormwater into the Lake through the Southport property. Southport has an approved Master Site plan that is not subject to the standards of the proposed SMP. However, if there is a change of use in this location, the property would be required to undergo a review of whether the existing shoreline stabilization would be allowed. In anticipation of this possibility, criteria were created to allow shoreline stabilization if necessary to protect the navigability of this harbor.
Allow for repair and maintenance of existing bulkheads without bringing them into full compliance.	Existing bulkheads of any type may be repaired and replaced as long as the use in which they were constructed is not changed. If the use is changed, the need for shoreline stabilization will be reviewed.
<i>Resource Protection</i>	
Amend several sections to protect fish runs and reinforce the no net loss standard.	Clarifying language added throughout the document.
Identify and protect Channel	CMZs are identified in the <i>Shoreline Inventory and</i>

<i>Comment</i>	<i>Staff Response</i>
Migration Zones (CMZs).	<i>Analysis.</i> Renton has two, one near the west end of May Creek and one along the Cedar River toward the east end of Renton's jurisdiction. Both CMZs are located in areas of permanent open space. There are some existing single-family homes in the vicinity of the Cedar River CMZ, but they are subject to a King County flood control program that buys them as they are put on the market.
Wetland protection needs to be increased within the shoreline area.	Through negotiations with Ecology, this draft contains provisions that adopt the model wetland standards within Renton's shoreline jurisdiction.
Allow for easier removal of invasive species and noxious weeds.	Language changed.
Allow for restoration projects allowed under the Model Toxics Control Act and the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).	Language changed to accommodate such restoration and cleanup projects.
<i>Piers and Docks</i>	
Allow for ADA accessible facilities in piers and docks.	Although the original requirements specified widths consistent with ADA standards, it did not account for the amount of space that would be taken by railings and safety features. The standards for piers and docks were changed to accommodate a minimum walkway surface, consistent with ADA standards. Railings and safety features may extend beyond the required walkway surface.
Require joint use and community docks for new single-family residences.	Provisions added to limit docks and piers for new single-family residences.
Allow for the repair of existing docks and piers without triggering full replacement under the new regulations.	In previous drafts of the SMP existing docks and piers could be repaired up to 50%, but if repairs that exceeded that amount the entire structure had to be replaced in conformance with the standards of the code. This standard was too onerous for property owners, who asked for an intermediate alternative. The proposal modified the repair requirements so that 100% of the surfacing materials could be repaired and replaced if light penetrating materials were used. This



<i>Comment</i>	<i>Staff Response</i>
	would reduce the impacts of overwater coverage. Full compliance with the standards for docks is only required if a dock is reconfigured or moved, or if more than 50% of the pilings are replaced.
Make specific provisions for the repair and maintenance floating docks.	Repair provisions for floating docks have been added, which mirror the provisions for fixed docks.
Allow mooring piles and boat lifts without a conditional use permit.	These features are allowed as part of a dock permit in the proposal.
Allow for boat covers and canopies if composed of translucent materials.	These types of features are allowed if composed of translucent materials, which reduces the impacts of overwater coverage.

*Comments Not Resolved*

<i>Comment</i>	<i>Staff Response</i>
Specifically exempt the old Stoneway site from the requirement to review the need to retain the existing shoreline stabilization structure when the site redevelops.	<p>Proposed language in the SMP provides decision criteria for evaluating whether an existing shoreline stabilization structure can be retained when a property redevelops. Based on a geotechnical analysis, all or part of a shoreline stabilization structure may be retained if needed.</p> <p>The decision about retaining the existing bulkhead is best made at the time of redevelopment. Without knowing what is proposed for that site, it is impossible to make a blanket statement at the programmatic level that exempts a single property owner from following the rules that everyone else must follow.</p>
Allow a special buffer of 50' for the old Stoneway site.	A 100' buffer was adopted by City Council in 2005 when the City adopted a partial SMP update. (That update was never subsequently approved by DOE, but there was no objection to that standard). The code has provisions that would allow for buffer reductions. Water -oriented uses are allowed buffers as low as 50' (for water dependent use). Buffer averaging would allow portions of a site to maintain a smaller buffer, but other portions of the site would then have a larger buffer.
Helipads on residential property are not a water-oriented use and should not be allowed in shoreline jurisdiction.	City Council approved the use of helipads on shoreline residential properties in 2008 as a permitted use if accessory to a single-family use. The Council's direction was clear that they expected

	this amendment to be made in the SMP during the update process.
Sliding scale setbacks for single-family property owners are not fair to the owners of larger properties.	The standard setback for all uses and all properties is 100 ft. Existing single-family homeowners are allowed a reduction in this requirement because it is clear that the standard setback will rarely be met. The sliding scale allows use of the property, while still providing the maximum benefit from the establishment of a buffer. In most cases, the sliding scale setback results in about 30% of the property being devoted to setback/buffer requirements. This is consistent with thresholds required by other jurisdictions.

### Impact Analysis

*Effect on the rate of growth, development, and conversion of land as envisioned in the Plan:* Growth, development, and the conversion of land will not likely be affected by the proposed change. Renton's shorelines are primarily composed of already developed areas. Existing undeveloped areas, such as the Black River Riparian Forest, are currently in public open space and not anticipated to be used for development under the currently adopted SMP. Such areas remain in public open space, with limited development opportunity in the proposed SMP. Existing developed shorelines, or shorelines with potential for redevelopment, have been designated to allow for growth and development, consistent with the provisions of the SMA in RCW 90.58 and the SMA guidelines in WAC 173-26, and consistent with Renton's Comprehensive Plan.

*Effect on the City's capacity to provide adequate public facilities:* The proposed policy and regulatory amendments should not affect the provision of adequate public facilities. Public facilities in general are subject to the same limitations within the shoreline as non-public facilities, but provisions are made to allow necessary facilities, including utilities and roads, or facilities for which there are no alternate location.

*Effect on the rate of population and employment growth:* There is no effect on the rate of population and employment growth.

*Whether Plan objectives are being met as specified or remain valid and desirable:* The Comprehensive Plan, as an instrument of RCW 36.70A, the Growth Management Act, does not apply within Shoreline jurisdiction. Shorelines are within the jurisdiction of RCW 09.58 the SMA.

*Effect on general land values or housing costs:* Generally, the proposal should not affect land values or housing costs. The protection of natural resources preserves land values.

*Whether capital improvements or expenditures are being made or completed as expected:* This is not applicable to the proposal. Although the proposal includes a Shoreline Restoration Plan, which includes capital projects for the restoration of Renton's shorelines, the Restoration Plan does not act as a capital improvement plan for the SMP. This is specified in the proposed section RMC 4-3-090A.5.

*Consistency with GMA, the Plan, and Countywide Planning Policies:* The Comprehensive Plan, as an instrument of RCW 36.70A, the Growth Management Act (GMA), does not apply within Shoreline jurisdiction. Shorelines are within the jurisdiction of RCW 90.58 the SMA. However, every effort has been taken to assure consistency with GMA, the Plan, and the Countywide Planning Policies. Several GMA goals are balanced in the proposed SMP and the SMP adoption process, including provisions for recreation and open space, respect for property rights, public participation, protection of natural resource industries, protection of lands with historic or archaeological resources, and protection of the environment. Other goals of the GMA are not affected by the SMP. Based on the principles of the GMA, the Countywide Planning Policies include policies and objectives related to similar goals, such as protection of critical areas and the provision of open space. Although not subject to the GMA, the policy portion of the proposed SMP will be integrated as an element of the Comprehensive Plan to ensure consistency between the SMP and the Plan.

*Effect on critical areas and natural resource lands:* At the current time, Renton has no critical area regulations in place within shoreline jurisdiction. Due to the special status of shorelines under state law, when Renton adopted its Critical Areas Ordinance in 2005, it also needed a partial SMP update to amend the rules for critical areas within shoreline jurisdiction. Although the City prepared and adopted this partial SMP update in 2005, it was never ratified after Ecology review, leaving critical areas within Renton shorelines unprotected.

In the first draft of the SMP Renton proposed to adopt the same critical areas rules within the shoreline that are applicable within the rest of the City. Ecology commented that this would be adequate for all critical areas except for wetlands. During the 2005 critical area ordinance update Renton adopted a non-standard classification and buffering system for wetlands. Wetland specialist Richard Robohm commented at the time that Ecology did not support the proposed wetland regulations. As a result, Ecology clearly stated that they would not accept the extension of Renton's current

wetland regulations into shoreline jurisdiction and asked the City to adopt the model Ecology wetland classification system and buffers.

Renton has proposed adoption of the model Ecology wetland regulations within the Shoreline jurisdiction based on direction from DOE. These standards are more stringent than the current Renton wetland regulations applicable city-wide, but are consistent with the regulations in effect in Renton's Potential Annexation Area under King County. So although the City will have a dual system of wetlands regulations in place, the City already has some experience with these standards from working with land use applications that vested to County standards prior to annexation. Renton also has few wetlands within shoreline jurisdiction that would be subject to the wetland standards adopted by the SMP.

*Effect on other considerations:* Ecology requires all jurisdictions to submit an *SMP Submittal Checklist* as part of the package of documents for formal review. The *Submittal Checklist* details all of the requirements of the WAC SMP Guidelines, and asks each jurisdiction to point to the provisions within the proposed SMP that meet these requirements. Attached to this report is a copy of the *SMP Submittal Checklist* to demonstrate how the proposal meets the requirements of state law.

#### Implementation Requirements

Planning Commission has forwarded their recommended SMP and supporting documents to City Council for review. Based on the Planning Commission recommendation, staff is completing environmental review under the State Environmental Policy Act (SEPA). SEPA review was already initiated in October 2009 with a notice of application and request for comments, concurrent with the public hearing process. The City's Environmental Review Committee (ERC) will be asked to issue a Determination of Non-Significance (DNS) on the proposal on May 10<sup>th</sup>. A concurrent 14 day comment period and appeal period is set to expire on May 28<sup>th</sup>. No action may be taken on the proposal until the SEPA review is completed.

Concurrent with the SEPA process, staff asks that the Council Planning and Development Committee review the proposed SMP. Typically, Council would be asked to adopt such a proposal by ordinance. However, because of the unique nature of the Ecology approval process for SMPs, staff will ask Council to adopt a resolution stating their intent in approving the SMP. Ecology review and approval of SMPs often includes changing portions of the document. This alternate process allows the SMP document to be changed prior to final legislative adoption by the Council, subject to Ecology

requirements. Once the document has full Ecology approval, it will go through regular legislative adoption by the Council.

The time line for final adoption is dependent on many factors. Completion of SEPA, Council acceptance of the SMP, and initiation of the formal Ecology review process will be concluded in June 2010 at the earliest. Ecology review includes another public hearing and staff review. It could also include negotiations with the City over proposed language changes. This is the biggest unknown variable in the timeline, but is likely to take at least six months. Final Council adoption will probably take about a month, but could take longer if there are substantive changes that require another public hearing. As a result, it is very likely that the proposed SMP would not be effective until sometime in 2011.

Cc: Denis Law, Mayor

Jay Covington, CAO

Chip Vincent, Planning Director